

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

FILED  
U.S. DISTRICT COURT  
CENTRAL DIVISION

\* \* \* \* \* 2009 JAN 29 AM 11:04 \* \* \* \* \*

MAFOA E. FATANI

DISTRICT OF UTAH Case No. 2:08CV00821 DS

Plaintiff,

BY: \_\_\_\_\_  
D. J. FLEMING

vs.

)

MEMORANDUM OPINION  
AND ORDER

UNITED STATES DEPARTMENT  
OF TRANSPORTATION, ET AL.,

)

Defendants.

)

\* \* \* \* \*

Plaintiff, proceeding *pro se* and *in forma pauperis*, has filed a civil rights complaint pursuant to 42 U.S.C. §§ 1983 and 1985. Named as defendants are the United States Department of Transportation and the United States Department of Reclamation. In vague and conclusory fashion Plaintiff alleges that he is a resident of Utah and that Defendants have trespassed on his unidentified land and that they are selling his land without his permission.

The court has reviewed plaintiff's complaint with the deference due his *pro se* status. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir 1991). Because plaintiff is proceeding *in forma pauperis*, the court is directed to dismiss such a case at any time if the court determines that the action is frivolous or malicious or fails to state a claim on which relief may be granted. 28 U.S.C. 1915(e)(2)(B)(i)(ii). The court *sua sponte* may also dismiss a complaint pursuant to Fed. R. Civ. P. 12(b)(6)

for failure to state a claim. *Hall*, 935 F.2d at 1109-10.

Although pleadings in *pro se* cases are to be liberally construed, "[t]he broad reading of the Plaintiff's complaint does not relieve [him] of the burden of alleging sufficient facts on which a recognized legal claim could be based." *Id.* While Plaintiff need not describe every fact in specific detail, "conclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based." *Id.*

The allegations contained in plaintiff's complaint are vague and contain insufficient factual detail to support his claims. However, due to Plaintiff's *pro se* status, the Court grants leave for him to file an amended complaint, if he so desires, no later than fifteen (15) days from the date of this order. Failure to timely respond and/or to adequately plead sufficient facts and allegations in support of his claims will result in dismissal of the Complaint.

DATED this 28 day of January, 2009.

BY THE COURT:



DAVID SAM  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT